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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

HAROLD J. DANIELS,

Defendant and Appellant.

D048367

(Super. Ct. No. SCD193569)

APPEAL from a judgment of the Superior Court of San Diego County, David J. Danielsen, Judge. Affirmed.

Harold J. Daniels entered a negotiated guilty plea to being a felon in possession of a firearm (Pen. Code, § 12021. subd. (a)(1))¹ and admitted two prior strikes (§§ 667 subds. (b)-(i), 1170.12, 668) and serving five prior prison terms (§§ 667.5 subd. (b), 668). The court struck one prior strike and two prior prison term findings and sentenced Daniels to prison for seven years: double the two-year middle term for unlawfully

possessing a firearm enhanced by three 1-year terms for the prior prison terms.² The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 30(b).)

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether Daniels was advised of the consequences of the guilty plea and advised of and waived his constitutional rights before pleading guilty; (2) whether the record includes an adequate factual basis for the guilty plea; (3) whether the trial court abused its discretion in striking only one prior strike and two prior prison term findings; and (4) whether the trial court abused its discretion in denying probation instead of ordering Daniels committed to the Delancey Street drug rehabilitation program.

We granted Daniels permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Daniels on this appeal.

¹ All statutory references are to the Penal Code.

² Because Daniels entered a guilty plea, he cannot challenge the facts underlying the conviction. (Pen. Code, § 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

DISPOSITION

The judgment is affirmed.

NARES, Acting P. J.

WE CONCUR:

O'ROURKE, J.

IRION, J.